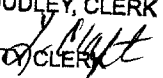


DEC 15 2011

JULIA C. DUDLEY, CLERK
BY: 
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

UNITED STATES OF AMERICA,)	
)	Criminal No. 5:06cr00014-3
)	
v.)	<u>2255 MEMORANDUM OPINION</u>
)	
JOSEPH RODNEY BROOKS.)	By: Samuel G. Wilson
)	United States District Judge

This is a motion pursuant to 28 U.S.C. § 2255 by Joseph Rodney Brooks, a federal inmate proceeding *pro se*, challenging his 2007 conviction and sentence. The motion is successive and the court is constrained to summarily dismiss it for lack of jurisdiction.

I.

Brooks challenges his 262-month sentence for conspiring to distribute and possessing with the intent to distribute as least 50 grams of cocaine base and at least 500 grams of cocaine hydrochloride, in violation of 21 U.S.C. §§ 841(a)(1) and 846. Brooks previously filed a § 2255 motion regarding the same conviction and sentence, which this court denied. See Docket Nos. 142, 171, and 172. This court may consider a second or successive § 2255 motion only if authorized by the United States Court of Appeals for the Fourth Circuit. See § 2255(h). Absent that authorization, this court lacks jurisdiction to consider a successive § 2255 motion. United States v. Winestock, 340 F.3d 200 (4th Cir. 2003). As there is no evidence that Brooks has obtained the requisite authorization from the Court of Appeals to file a second or successive § 2255 motion, the court must dismiss the motion for lack of jurisdiction.¹

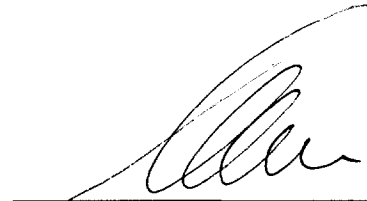
¹ Brooks is advised of the procedure for obtaining certification from the United States Court of Appeals for the Fourth Circuit to have this court review a successive § 2255 motion. He must submit a copy of the successive § 2255 motion to the Court of Appeals, along with a motion requesting that a panel of that court certify that the district court may review the successive § 2255 motion. See 28 U.S.C. § 2244 (as amended, 1996). A Fourth Circuit form and instructions for filing this motion will be included with this notice or are available from the Fourth Circuit at the following address: Office of the Clerk, United States Court of Appeals for the Fourth Circuit, 900 E. Main St., Richmond, VA 23219.

II.

For the reasons stated, the court dismisses Brooks' § 2255 motion for lack of jurisdiction because it is successive.

The Clerk is directed to send copies of this Memorandum Opinion and the accompanying Order to the parties.

ENTER: This December 15, 2011.


United States District Judge